

CLERK'S OFFICE U.S. DIST COURT  
AT ROANOKE, VA  
FILEDIN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

JUL 17 2008

JOHN F. CORCORAN, CLERK  
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UNITED STATES OF AMERICA )

Criminal Action No.: 5:06CR00014

v. )

ORDER - 2255

JOSEPH RODNEY BROOKS )

By: Samuel G. Wilson  
United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that Joseph Rodney Brooks' motion pursuant to 28 U.S.C. § 2255 that his plea of guilty was involuntary and that he is actually innocent is **DISMISSED** without prejudice. This matter is **STRICKEN** from the active docket of the court.

Joseph Rodney Brooks is advised he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

ENTER: This July 17<sup>th</sup>, 2008.  
UNITED STATES DISTRICT JUDGE